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Letter dated 3 December 2009 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council

I have the honour to address you to transmit the annexed note dated 23 November 2009, from the Minister of People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Mr. Nicolas Maduro Moros (see annex), in which he requests that the Security Council, over which you preside, include the Colombian armed conflict in its agenda, given that it constitutes a serious threat to international peace and security.

I would greatly appreciate it if the above-mentioned note were distributed as a document of the Security Council.

(*Signed*) Jorge **Valero**
Ambassador
Permanent Representative

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Annex to the letter dated 3 December 2009 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council

[Original: Spanish]

I have the honour to address you on behalf of the Government of the Bolivarian Republic of Venezuela, in order to communicate, for due consideration by the Members of the Security Council, my Government's serious concern regarding Colombia's armed conflict. It is, in my opinion, a serious threat to international peace and security and I request that this issue be included in the agenda of the Security Council.

The Venezuelan Government and people clearly support peace and international legality. Venezuela's commitment to peace and solidarity is founded on adherence to the rules and principles of public international law as set forth in the Charter of the United Nations and other relevant international legal instruments.

Venezuela has repeatedly expressed concern about the impact of the armed conflict in Colombia on peace and stability in the region. This climate of confrontation in Colombia has been exacerbated by the authorities' pursuit of a policy that favours military force as a means of resolving the situation of armed violence between sectors of society that has been going on for several decades and that stems from the deep economic and social inequalities that still exist.

The Government of President Hugo Chávez Frías has repeatedly stated that the parties involved in the armed conflict in Colombia must negotiate a peaceful political solution to the conflict. At Colombia's request, Venezuela participated, as a facilitator, in the process that led to the release, last year, of Colombian citizens who had been held by the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo. That facilitation undertaken by President Hugo Chávez Frías was recognized by the Movement of Non-Aligned Countries in a special statement at the Ministerial Meeting on Human Rights and Cultural Diversity held in Tehran, Islamic Republic of Iran, in September 2007.

The intensification of hostilities between the Colombian armed forces and irregular armed groups in that country has had a negative impact on neighbouring countries, resulting in paramilitarism, drug trafficking and other crimes such as kidnappings and paid assassinations. Venezuela has been troubled for years at seeing how our sister nation has been affected by an armed conflict characterized by human rights violations and the inability of successive governments to exercise authority over part of the territory which is in the hands of irregular groups. This has resulted in countless incidents on the border between the two countries due to the inability of the Colombian Government to fulfil its duty of protecting citizens living there and of exercising control over its territory.

Like Colombia's other neighbours, Venezuela has been a victim of the Colombian conflict, which in recent years has worsened as a result of the war policy pursued by the Government of President Álvaro Uribe Vélez which, far from bringing peace to the territory, has openly violated the rules of international law and international humanitarian law.

It should be noted that there have been systematic, flagrant and widespread violations of the applicable international law and of human rights in the ongoing

armed conflict in Colombia. These violations are far worse than those occurring in the armed conflicts in other Members States of the United Nations that are on the agenda of the Security Council.

According to the report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643, para. 6) the global population of persons internally displaced by conflict was estimated at 24.5 million for 2007.

It was striking that, with a total of 2,100,000 internally displaced persons, Colombia had more displaced persons than Somalia, the Central African Republic, Chad and Afghanistan which, together, accounted for 1,714,000 such persons (see annex 1), and was surpassed only by Iraq and the Sudan/Darfur in 2007.

According to paragraph 14 of the report of the Secretary-General on children and armed conflict in Colombia (S/2009/434), the Secretary-General's Representative on the human rights of internally displaced persons had "**indicated that the situation in Colombia is one of the most serious, with the country having the second largest population of internally displaced persons in the world**. According to the Presidential Senior Adviser for Social Action of Colombia, from 1997 to December 2008, 2,935,832 persons were internally displaced, more than 1 million of them children".

Moreover, production and marketing of illicit drugs in Colombia had increased dramatically in recent years, so much so that it had become a clear threat to security and stability in the region. As noted in paragraph 4 of that same report, "60 per cent of global cocaine production originates in Colombia".

Drug trafficking has penetrated deep into the heart of the Colombian State and the extent of the political ties and influence wielded by the cartels in Colombia is unimaginable. Indeed, as noted in paragraph 3 of the report "*almost 50 years of continuous conflict and the existence of powerful drug cartels represent a considerable challenge to governance and the respect of human rights. There has been an acute impact on the security of the population and the overall humanitarian situation*".

The Attorney-General's Office had been conducting an investigation that casts doubt on the legitimacy of Colombia's Congress because of the increasing number of members of Congress with direct ties to paramilitary groups and drug trafficking. In 2005, on the eve of the parliamentary elections of 2006, it was reported that close friends of the paramilitary groups were on the lists of parties supporting President Uribe. Once the new Congress had taken office, Salvatore Mancuso — one of the most powerful paramilitary leaders, who had been demobilized — stated that some 35 per cent of members of Congress "were friends" of his criminal organization.

The then director of the Administrative Department of Security (DAS), Jorge Noguera, was accused of having put DAS in the service of the paramilitary groups. He had been campaign chief, in Magdalena, of the now President Álvaro Uribe but had been forced to resign when the incriminating information came to light. He was then appointed Consul, in Milan, but the accusations continued. He returned to Bogotá and was arrested, in February 2007, and charged with conspiracy, collaborating with — and providing information to — paramilitary groups. Since the latter have infiltrated the Colombian political system Colombian institutions are experiencing a profound crisis of legitimacy.

By contrast with what is happening in Colombia, Venezuela's achievement in the fight against drug trafficking has been internationally acknowledged. Venezuela is cooperating with 37 countries, among them France, Spain and Portugal, in the fight against drugs and its success has been acknowledged by the Organization of American Sates (OAS), and the International Criminal Police Organization (INTERPOL). According to the 2009 report of the United Nations Office on Drugs and Crime (UNODC), Venezuela is the country with the second highest number of drug confiscations in South America, having increased its confiscations of cocaine by 35 per cent. As everyone knows, Colombia is the world's largest producer of cocaine; moreover, military and political bodies in Colombia also benefit from the cocaine trade.

Between January and September 2009, the Venezuelan Government arrested 4,490 individuals for crimes relating to drug trafficking. Of these, 4,219 were Venezuelan citizens and 271 were foreign nationals. Given the extensive cooperation between Venezuela and other countries involved in the fight against drugs, 20 of these foreigners have been extradited as of 13 August; 10 of them were Colombians.

By contrast, the effectiveness of Plan Colombia in the fight against drugs has been sharply questioned. The United States Government Accountability Office noted that "**Plan Colombia's goal of reducing the cultivation, processing, and distribution of illegal narcotics by reducing coca cultivation has not been achieved**". In fact, not only has the level of coca cultivation and cocaine production not decreased; it has increased.

On 19 November 2009, in an act of desperation, Colombia accused Venezuela of blowing up what it claimed were two footbridges over the border. Our Government rejects these allegations as groundless; in fact, Venezuela destroyed illegal walkways that were being used, essentially, for drug trafficking, smuggling (primarily fuel) and other illegal activities. They were not bridges belonging to the two nations, nor had the two countries authorized their construction and they were destroyed on the Venezuelan side, without violating Colombian territory.

This type of action is common to the strategy used by all countries to counter drug trafficking. Only Governments that are unable to exercise their authority over part of their territory and that have been co-opted by drug traffickers can publicly criticize the legitimate actions taken by others in full compliance with their State responsibilities, against illicit activities on their borders.

With these false accusations, the Government of Colombia is trying to conceal and decontextualize the real facts regarding the installation of US military bases in its territory. The strategy of disinformation and fear-mongering is aimed at diverting attention away from the real problem, which is that the Government of President Álvaro Uribe is simply handing over its State responsibilities to the United States, making Colombia an operational base for the US regional strategy to dominate and control the countries of South America.

The Governments of these countries have — for the first time ever — expressed their concern at the signing of a bilateral military agreement. At the Union of South American Nations (UNASUR) summit in Bariloche, on 28 August 2009, the Heads of State or Government stated, referring to the agreement between Colombia and the United States, that the presence of foreign military forces with

their means and resources tied to favourable objectives, may not threaten the sovereignty and integrity of any South American nation and, consequently, peace and security in the region.

Venezuela wishes to point out that international humanitarian law and human rights law establish that children affected by armed conflict have a right to be treated with particular respect and to be cared for and protected, including from all forms of sexual violence and exploitation. According to the Rome Statute and the International Criminal Court, rape and other forms of sexual violence, when committed as part of widespread or systematic attacks on the population, are also war crimes or crimes against humanity.

The Security Council notes, in paragraph 3 of resolution 1894 (2009), "*that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps*".

The resolution emphasises the Council's readiness to consider existing situations and, where necessary, to adopt appropriate steps but does not specify that they must be characterized as armed conflict in the light of the 1949 Geneva Conventions and the Additional Protocols thereto, which is tantamount to saying that the Security Council should address the grave situation represented by the armed conflict that has been going on in Colombia for close to 50 years and its repercussions on regional security and international peace and security.

We can find evidence of the grave humanitarian crisis in Colombia resulting from its armed conflict by looking at official United Nations documents such as:

1. **Children and armed conflict: Report of the Secretary-General (A/63/785-S/2009/158)** (*underlining added*)

This report was submitted by the Secretary-General pursuant to Security Council presidential Statement S/PRST/2008/6, by which the Council requested the Secretary-General to submit a report on the implementation of its resolutions 1612 (2005), 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004). (*Underlining added*)

> **Paragraph 114.** *"The United Nations received credible information regarding the use of children by some members of the security forces for intelligence purposes despite Government policy to the contrary. Three directives have been issued by the Ministry of Defence prohibiting this practice, in accordance with the national law on childhood and adolescence. It was reported in February 2008 that a 12-year-old boy was used by the police as an informant in Valle del Cauca department. As a consequence, the boy received death threats by FARC-EP and was later killed in December 2008. Also in February, it was reported that members of the army and national police solicited information from children in rural communities in Carmen de Atrato and Quibdo, in Choco department, on the locations of guerrilla groups and the identities of their members."*

Paragraph 16. *"Credible information on cases of extrajudicial executions of children was gathered by the United Nations. In January 2008, a 17-year-old boy disappeared from Soacha municipality near Bogotá, and was presented as 'killed in combat' a day later by the Armed Forces in Norte de Santander, a department on the border with the Bolivarian Republic of Venezuela. A similar case involved a child from Gamarra municipality, Cesar department in August 2008."*

Paragraph 117. *"According to Constitutional Court order No. 092 of April 2008, the impact of sexual violence against girls has increased. Perpetrators include illegal armed groups and members of the Armed Forces. The Attorney General's office has initiated investigations, and there have been a number of convictions as of December 2008."*

2. Report of the Secretary-General on children and armed conflict in Colombia (S/2009/434) (*underlining added*)

This report covers the period from January to December 2008 and provides information *on grave violations against children, such as killing and maiming, the recruitment and use of children in armed forces and groups, abduction of children, sexual violence against children, attacks on schools and hospitals, and denial of humanitarian access to children*. It stresses the priority of combating impunity for such grave violations.

Paragraph 12. *"Grave violations against children have been attributed to all parties, but mainly to illegal armed groups. Those groups continue to recruit children and commit crimes of sexual violence against women and girls, kill civilians, plant anti-personnel mines and carry out abductions. Violations by individual officials of the Colombian armed forces have also been reported, in clear contravention of Government policy."*

Paragraph 23. *"In 2006, the Committee on the Rights of the Child expressed its concern regarding the use of children for intelligence purposes by the national armed forces. The Ministry of Defense has issued three directives prohibiting all members of the national armed for[illegible] from using children for intelligence purposes; however, some incidents [illegible]inue to be documented. In February 2008, it was reported that the National Police had used a 12-year-old boy as an informant in the department of Valle del Cuaca. Later, the boy received death threats from FARC-EP and was eventually killed by an unidentified assailant in December 2008."*

Paragraph 33. *"Anti-personnel mines and unexploded ordnance have had serious consequences on the civilian population, including children. According to the Landmine Monitor Report of 2007, the number of casualties resulting from explosive remnants of war in Colombia was the highest in the world from 2005 to 2007. The Presidential Programme for Integrated Mine Action reports a cumulative total of 7,515 victims from 1990 to 2008, including 722 children. According to the same source, in 2008, 14 children (4 girls and 10 boys) were killed and 32 (5 girls and 27 boys) were wounded by such devices. In January, in the municipality of Palmira, department of Valle del Cuaca, a woman and her 9-month-old daughter died when they stepped on an anti-personnel mine. The woman was five months pregnant. In June, in the municipality Samaniego, department of Nariño, three boys*

aged 12, 14 and 16 died when they accidentally activated an anti-personnel mine. In July, in the department of Bolivar, three children were seriously injured, including a 9-year-old girl, who lost her leg."

Paragraph 39. *"According to information provided by the Instituto Nacional de Medicina Legal y Ciencas Forenses, 5 girls and 3 boys were the victims of sexual violence allegedly perpetrated by the national military forces, and 18 girls and 1 boy were allegedly victimized by the national police during the reporting period. Information has also been gathered on a case in which two soldiers allegedly raped a woman and her 13-year-old niece in the department of Antioquia in November 2008."*

Paragraph 42. *"Children also continue to be victims of enforced disappearances. Since 2006, the Attorney-General's Office located in clandestine graves the bodies of 109 children, mainly victims of paramilitary groups. In addition, the Attorney-General's Office is investigating 1,636 cases of children who have disappeared since 2000, 187 of which took place in 2008."*

Paragraph 48. *"Restrictions of humanitarian access owing to the actions of parties to the conflict jeopardize the delivery of humanitarian assistance, thus affecting children. The presence of anti-personnel mines and unexploded ordnance seriously hampers not only the movement of populations but also the access of humanitarian actors to those populations."*

Paragraph 49. *"Attacks against humanitarian personnel also took place during the reporting period. According to the International Committee of the Red Cross, attacks on medical missions increased from 23 cases in 2007 to 35 cases in 2008."*

Paragraph 50. *"Clashes between illegal armed groups and the national armed forces also restrict humanitarian access and the supply of essential goods."*

Paragraph 51. *"Information was also received on access restrictions imposed by the national armed forces to certain villages or municipalities, including for the movement of persons and goods, such as food, medicine and fuel, as part of a strategy to combat illegal armed groups. For example, since January 2008, the national armed forces have limited the passage of essential goods to various villages in the municipality of El Dovio, department of Valle del Cauca. Similar restrictions were confirmed by the Office of the Human Rights Ombudsman in the department of Vaupés in May 2008."*

The Government of the Bolivarian Republic of Venezuela would like to point out that **the Colombian Government openly and specifically threatened international peace and security in flagrant contradiction of the principle of international law outlined in Article 2, paragraph 4 of the Charter of the United Nations** which states that Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations. It did so in March 2008 when it carried out an armed incursion into the territory of the Republic of Ecuador, thereby violating the territorial integrity of that sister nation.

This illegal action highlighted the war policy pursued by the Government of President Álvaro Uribe, which has made the notion of pre-emptive strike — advocated by former President George W. Bush — a cornerstone of his security and defence policy.

The countries of the region, including the Bolivarian Republic of Venezuela, condemned the Colombian military aggression against the Republic of Ecuador as a flagrant violation of the norms and principles of international law, and also of General Assembly resolution 2625 (XXV) entitled "*Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*". Ecuador's report concerning the violation of its sovereignty and territorial integrity can be found in document S/2006/148.

The unanimous condemnation of that military incursion forced President Uribe, in a public and official act of contrition in the context of the XX Summit of the Rio Group, held in Santo Domingo, Dominican Republic, on 7 March 2008, to promise that his country would not engage in any warlike military action against any country on the American continent. The members of that Group took note of the full apology offered by the Colombian Head of State to the Government and people of Ecuador for the violation of that sister nation's territory and sovereignty by Colombian military forces.

The climate of confidence in the region which was returning to the region following the arrangements made at that Summit was then shaken by the announcement and subsequent signing of the Supplemental Agreement for Cooperation and Technical Assistance in Defense and Security between the United States of America and the Republic of Colombia regarding the establishment of seven US military bases in Colombian territory. The plans to deploy US forces in Colombia in the context of that cooperation agreement has raised legitimate concerns among members of UNASUR, and they have warned of the risks and threats that this poses to peace, stability and military balance in the region.

According to a perverse logic, President Álvaro Uribe and his team are seeking to hand over responsibility for managing the armed conflict to other neighbouring States, such as Venezuela, which, as we have pointed out, is a victim of the drug trafficking, paramilitary activities, paid assassinations and kidnappings generated by the escalation of hostilities with armed groups within Colombian territory.

As is well known, by giving priority to the security of urban areas — primarily the large cities — the Colombian State has given up guarding and protecting its borders; armed groups have taken advantage of this situation and now exercise control over these areas and carry out criminal activities which are affecting other countries.

It is being claimed — by way of justification — that this wide and disproportionate US military deployment on Colombian soil — that it is a bilateral effort to counter drug trafficking and terrorism. This is not true and it does not dispel the doubts and concerns that the countries of the South American region have concerning these military bases; the latter are seen as a threat, due to the size of the programme to be implemented and the installation of equipment for electronic warfare, military personnel and security contractors. The increased US military presence is designed to project the global power of the United States so as to deter,

under threat of military intervention, countries that are critical of its imperialist policies.

These strategic guidelines are reiterated in the document justifying the financing of the proposed US Air Force military base in Palanquero; US$ 46,000,000 was requested and was approved in May 2009. The funds are to be used for a "Cooperative Security Location" and to improve facilities at Palanquero. The item is included in the chapter "Positioning of global defence" which explains US strategy for placing military personnel and bases abroad.

The US Air Force document concerning the military construction programme, dated May 2009, cites as some of the justifications presented to Congress the following:

> *"... It will improve America's ability to respond quickly to a crisis, ensuring regional access and U.S. military presence at a low cost. This presence will also increase our capability to conduct Intelligence, Surveillance and Reconnaissance (ISR), improve global reach, support logistic requirements, improve partnerships, improve theatre security cooperation and expand expeditionary warfare capability.*
>
> *"... The strong security cooperation relationship also offers an opportunity for conducting full spectrum operations throughout South America. (...) The intent is to leverage existing infrastructure to the maximum extent possible, improve the U.S. ability to respond rapidly to crisis, and assure regional access and presence at minimum cost. Palanquero supports the mobility mission by providing access to the entire South American continent with the exception of the Cape Horn region."*

Whereas to what Colombia claims that the military path — including unrestricted access to bases by the US military — will inevitably lead to an end to the armed conflict, the Venezuelan Government believes, on the contrary, that intensification of military operations will lead to greater armed violence and may result in a diaspora of displaced Colombians to many countries, particularly to neighbouring States.

The accusation that Venezuela is building up its arms could not be more untrue. Only 1.1 per cent of Venezuela's gross domestic product goes to modernizing military equipment — less than the regional average of 1.7 per cent and significantly less than Colombia's 5.7 per cent. By contrast, in 2010 Venezuela will use 45.7 per cent of the nation's budget for social investments, poverty reduction and improving the quality of life of its people. Venezuela has already exceeded the millennium goal of reduction of extreme poverty and, according to the Economic Commission for Latin America and the Caribbean (ECLAC) it has done more than any other country in the region to reduce inequality.

Conscious of the fact that peace in Colombia means peace in Latin America, as President Hugo Chávez Frías said, the Venezuelan Government has reiterated the need for a negotiated political solution that will put an end to the armed conflict which has claimed a great many victims over more than four decades.

In the context of his aggressive preachings, the Government of President Álvaro Uribe views that country's security in absolute terms; this, of course, creates insecurity for all neighbouring States. The establishment of US military bases in

Colombia — added to the steady military assistance the US has been providing since 2001 — has accentuated security problems in the region and has created imbalances in the correlation of forces at the subregional level as a result of the arms race started by the authorities of Nariño Palace with the support of the US Government.

For this reason, the Government of the Bolivarian Republic of Venezuela, after reiterating its commitment to peace and its unlimited respect for the principles and norms of international law governing friendly and cooperative relations between States, contained in the Charter of the United Nations and other applicable instruments, wishes to point out that it will continue to keep an eye on the course of the armed conflict in the Republic of Colombia and the consequences that establishing foreign military bases in that country may have for Venezuela's — and the region's — security, and will take whatever steps may be necessary, within the legitimately established legal order and with complete respect for the Constitution of the Bolivarian Republic of Venezuela, to safeguard the nation's security, peace and the well-being of the Venezuelan people.

Given that, for the reasons outlined above, we believe the Colombian armed conflict to be a serious threat to international peace and security, I should like to request that this item be placed on the Security Council's agenda. I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Nicolas **Maduro Moros**

Annex 1

Report of the Secretary-General (S/2007/643) 2007

Country	*Number of internally displaced persons*	*Observations*
Iraq	2 200 000	On the Security Council's agenda
Sudan/Darfur	2 200 000	On the Security Council's agenda
Colombia	**2 100 000**	**Not on the Security Council's agenda**
Somalia	1 200 000	On the Security Council's agenda
Central African Republic	300 000	On the Security Council's agenda
Chad	170 000	On the Security Council's agenda
Afghanistan	44 000	On the Security Council's agenda

Source: Prepared on the basis of the figures presented in document S/2007/643.